



# **Texas Department of Insurance**

## **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

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### **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

#### **GENERAL INFORMATION**

##### **Requestor Name and Address**

PO BOX 700311

SAN ANTONIO TX 78270-0311

COMBINED CHIROPRACTIC SERVICES &  
REHABILITATION, INC.

##### **Respondent Name**

LIBERTY INSURANCE CO

##### **Carrier's Austin Representative Box**

Box Number 01

##### **MFDR Tracking Number**

M4-11-4951-01

##### **MFDR Date Received**

AUGUST 26, 2011

#### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "pre-auth obtained."

**Amount in Dispute:** \$2395.00

#### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "Carey Davis, DC has billed for the whole procedure (professional and technical component) of the emg and nerve conduction studies. There is no indication the services were performed by Dr. Davis as his name does not appear on the report." "The professional component of the emg and nerve conduction studies was documented as performed by Dr. Joel S. Wolinsky of Physicians Data LLC. It would have been appropriate for Dr. Wolinsky to bill for the professional component of this testing as documented." "The actual testing report from NeuroDynamics does not state who performed the actual technical component of the testing as the technician area is blank." "This bill was denied as this provider is not documented as providing the billed service."

**Response Submitted by:** Liberty Mutual Insurance Co., 2875 Browns Bridge Road, Gainesville, GA 30504

#### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
March 11, 2011	CPT Code 95900-59 (6) - Nerve conduction, amplitude and latency/velocity study, each nerve; motor, without F-wave study	\$690.00	\$0.00
	CPT Code 95903-59 (4) - Nerve conduction, amplitude and latency/velocity study, each nerve; motor, with F-wave study	\$460.00	\$0.00
	CPT Code 95904-59 (6) - Nerve conduction, amplitude and latency/velocity study, each nerve; sensory	\$690.00	\$0.00
	CPT Code 95934-59 (2) - H-reflex, amplitude and latency study; record gastrocnemius/soleus muscle	\$230.00	\$0.00
	CPT Code 95861 - Needle electromyography; 2 extremities with or without related paraspinal areas	\$250.00	\$0.00

	HCPCS Code A4556 (6) - Electrodes (e.g., apnea monitor), per pair	\$30.00	\$0.00
	HCPCS Code A4215 - Needle, sterile, any size, each	\$5.00	\$0.00
	HCPCS Code A4558 - Conductive gel or paste, for use with electrical device (e.g., TENS, NMES), per oz	\$5.00	\$0.00
	CPT Code 99211-25 - Office or other outpatient visit for the evaluation and management of an established patient, that may not require the presence of a physician. Usually, the presenting problem(s) are minimal. Typically, 5 minutes are spent performing or supervising these services.	\$35.00	\$0.00
TOTAL		\$2395.00	\$0.00

### ***FINDINGS AND DECISION***

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

#### **Background**

1. 28 Texas Administrative Code §133.307, effective May 25, 2008, sets out the procedures for resolving a medical fee dispute.
2. 28 Texas Administrative Code §134.203, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.
3. 28 Texas Administrative Code §134.600, effective May 2, 2006, requires preauthorization for specific treatments and services
4. 28 Texas Administrative Code §133.20, effective January 29, 2009, sets out the procedure for submitting medical bills.
5. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated May 27, 2011

- X274-This provider is not documented as providing the billed service.
- Z306-Significant, separately identifiable evaluation and management service by the same physician on the day of a procedure.
- X598-Claim has been re-evaluated based on additional documentation submitted; no additional payment due.

Explanation of benefits dated July 14, 2011

- X274-This provider is not documented as providing the billed service.
- Z306-Significant, separately identifiable evaluation and management service by the same physician on the day of a procedure.
- X598-Claim has been re-evaluated based on additional documentation submitted; no additional payment due.

#### **Issues**

1. Does the documentation support the level of service billed for CPT codes 95900, 95903, 95904, 99354, and 95861?
2. Are HCPCS codes A4556, A4215 and A4558 included in another service/procedure billed on March 11, 2011?
3. Does the documentation support a separate identifiable Evaluation and Management service? Is the requestor entitled to reimbursement for CPT code 99211-25?

#### **Findings**

1. According to the explanation of benefits, CPT codes 95900, 95904, 95903, 95934, and 95861 were denied reimbursement based upon reason code "X274-This provider is not documented as providing the billed service".

A review of the submitted documentation indicates that the March 11, 2011 nerve studies interpretation report was signed by Joel S. Wolinsky, MD from Physicians Data LLC.

The March 11, 2011, NeuroDynamics report is unsigned and does not identify the healthcare provider that performed the testing.

A review of the submitted medical bill indicates that Cary Davis DC billed for the whole procedure. The documentation does not support that Dr. Davis performed the whole procedure for the disputed services.

Therefore, the documentation does not support the level of service billed. As a result, reimbursement is not recommended.

2. The respondent denied reimbursement for HCPCS codes A4556, A4215 and A4558 based upon reason code "X274-This provider is not documented as providing the billed service."

Per Medicare rules HCPCS codes A4556 and A4558 are bundled codes and payment allowance is included in another service; therefore, reimbursement is not recommended.

Per Medicare rules HCPCS code A4215 is not covered by Medicare in any payment system; therefore, reimbursement is not recommended.

3. According to the explanation of benefits the respondent denied reimbursement for the office visit, CPT code 99211, based upon reason codes "X274-This provider is not documented as providing the billed service"; and "Z306-Significant, separately identifiable evaluation and management service by the same physician on the day of a procedure".

Dr. Davis appended modifier 25 to code 99211 to identify a significant, separate evaluation and management service.

Modifier 25 is defined as "It may be necessary to indicate that on the day a procedure or service identified by a CPT code was performed, the patient's condition required a significant, separately identifiable E/M service above and beyond the other service provided or beyond the usual preoperative and postoperative care associated with the procedure that was performed. A significant, separately identifiable E/M service is defined or substantiated by documentation that satisfies the relevant criteria for the respective E/M service to be reported (see Evaluation and Management Services Guidelines for instructions on determining level of E/M service). The E/M service may be prompted by the symptom or condition for which the procedure and/or service was provided. As such, different diagnoses are not required for reporting of the E/M services on the same date. This circumstance may be reported by adding modifier 25 to the appropriate level of E/M service."

A review of the submitted documentation finds that Dr. Davis did not submit a copy of the office visit report to support billing of CPT code 99211-25; therefore, the documentation does not support a significant, separate evaluation and management service. As a result, reimbursement is not recommended.

### **Conclusion**

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00

### ***ORDER***

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

### **Authorized Signature**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
7/6/2012  
Date

### ***YOUR RIGHT TO APPEAL***

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**